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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

REED SAILOLA,

Plaintiff,

vs.

MUNICIPAL SERVICES BUREAU,
and JOHN DOES 1-50.

Defendant.

)
) CASE NO. 1:13-CV-00544 HG-RLP
)
)
) PLAINTIFF REED SAILOLA'S
) MOTION FOR PARTIAL
) SUMMARY JUDGMENT;
) MEMORANDUM IN SUPPORT OF
) MOTION FOR SUMMARY
) JUDGMENT; CERTIFICATE OF
) SERVICE
)
)
) HEARING:
)
) DATE: _____
)
) TIME: _____
)
)
) Judge: Honorable Helen Gilmor
)

**PLAINTIFF REED SAILOLA'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Reed Sailola respectfully moves for partial summary judgment on Count One of the Plaintiff's Second Amended Complaint For Damages, Declaratory Relief, and Injunctive Relief (the "SAC"). [Doc. 93]

This Motion is brought on the grounds that there is no genuine issue of material fact:

- That Defendant used an Automatic Telephone Dialing System to call Mr. Sailola's cellular telephone;
- That Defendant left pre-recorded voice messages on Mr. Sailola's cellular telephone; and
- That Mr. Sailola did not consent to those calls or, alternatively, insofar as he may have, that consent was revoked.

Thus, it is appropriate to grant partial summary judgment in favor of Mr. Sailola and against Defendant on Counts 1 (TCPA violations),

This Motion is made pursuant to FRCP Rules 7, 56, and L.R. 7.1, and 56.1. This Motion is based upon the attached memorandum, the contemporaneously filed concise statement of facts, the declarations, exhibits, the files and records in this action, and such other matters that may be presented prior to and at the hearing of this Motion.

DATED: Honolulu, Hawaii; December 3, 2014.

s/Richard L. Holcomb
Richard L. Holcomb